

REMARKS

Claims 1-13 were pending and considered. Claims 1-13 were rejected. In response, independent claims 1 and 8 have been amended. Upon entry of this amendment claims 1-13 remain pending. Reconsideration and allowance are respectfully requested.

Claims 1-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,868,659 (Slomski) in view of U.S. Patent No. 5,487,465 (Broskow). In response, claims 1 and 8 have been amended to more clearly recite the present invention. Accordingly, Applicants are of the opinion that claims 1 and 8 and all claims dependent thereon recite an invention allowable over the teachings of Slomski and Broskow. Reconsideration and allowance are respectfully requested.

In the analysis of the references, the Examiner applies the terms from the pending claims inaccurately to the teachings of the prior art. In discussing claim 1, the Examiner states that Slomski teaches “the holes and the first row of apertures formed in substantially the same configurations, see for example (Fig. 4).” In discussing claim 8, the Examiner states that Slomski discloses “forming a first row of container receiving apertures in the carrier sheet... and simultaneously forming holes in a first handle portion of the handle sheet similarly shaped to the first row of apertures (Figs, 3 and 4).” However, in looking at Figs. 3 and 4 of Slomski, no holes in the handle portion 26 are shaped in any way similarly to the container receiving apertures of the container engaging portion 24. Applicants respectfully submit that such a structure is clearly not taught by Slomski in which the container receiving apertures are shown to be substantially rectangular openings in the carrier sheet, and the holes in the handle sheet are of two types, both long and narrow, with the outer holes being more or less a flattened L-shape and a central hole being an elongated, thin slit. Clearly the apertures in the carrier sheet and the holes in the handle sheet are not “formed in substantially the same configurations” as recited in claim 1, or “similarly shaped” as recited in claim 8. Accordingly, Slomski does not teach what the Examiner states is taught by Slomski, and therefore the rejections based thereon are not properly supported.

In discussing the teaching of Broskow with respect to claims 1 and 8, the Examiner states that the Broskow process teaches “the step of cutting through overlying portions of the handle sheet and the carrier sheet to form holes and row of apertures in overlying arrangement, see for example (Fig. 5; via stamping die 64 cutting through overlying portions).” However, Applicants respectfully submit

that Broskow does not teach what the Examiner says it teaches since Broskow does not teach a separate handle sheet and a separate carrier sheet. Instead, Broskow teaches two identical sheets, each having a handle portion and a container receiving portion. While the sheets in the Broskow teaching are cut in overlying fashion, a carrier portion of one sheet overlies a carrier portion of the other sheet, and a handle portion of one sheet overlies a handle portion of the other sheet. Accordingly, contrary to the Examiner's statement, Broskow does not teach cutting through overlying portions of the handle sheet and the carrier sheet to form handle portion holes and rows of apertures in overlying arrangement. No where in the teaching of Broskow do container receiving apertures overlie holes in a handle sheet, and the holes of the handle portion and the apertures of the carrier portion are not of similar shape in any way. Accordingly, Broskow does not teach what the Examiner states is taught by Broskow, and the rejections based thereon or not properly supported.

Although it is believed that the claims as examined distinguished the teaching of Slomski and Broskow, claims 1 and 8 have been amended to more clearly recite the differences.

Claim 1 as amended now recites in part:

said step of forming holes in the handle sheet and said forming the first row of container receiving apertures in the carrier sheet being performed by cutting through overlying portions of said handle sheet and said carrier sheet and thereby forming said holes and said first row of apertures in overlying arrangement and in substantially the same configurations one over the other.

Further, claim 8 as amended now recites in part:

forming a first row of container receiving apertures in the carrier sheet outwardly from the first line of attachment and simultaneously forming holes in the first handle portion of the handle sheet similarly shaped to the first row of apertures, said step of forming holes in the first handle portion of the handle sheet and said forming the first row of container receiving apertures in the carrier sheet being performed by cutting through overlying portions of the carrier sheet and the handle sheet to form the holes in the first handle portion and the first row of apertures in overlying arrangement and of substantially the same configurations;

forming a third row of container receiving apertures in the carrier sheet outwardly from the second line of attachment and simultaneously forming holes in the second handle portion of the handle sheet similarly shaped to the third row of apertures, said step of forming holes in the second handle portion of the handle sheet and said forming the third row of container receiving apertures in the carrier sheet being performed by cutting through overlying portions of the

carrier sheet and the handle sheet to form the holes in the second handle portion and the third row of apertures in overlying arrangement and of substantially the same configurations;

It is respectfully submitted that the pending claims as amended recite a method for making a container carrier having specific steps and sequences not taught by the prior art, to achieve an improved carrier. Neither Slomski, Broskow or the combination thereof teaches a process or a carrier in which a separate and distinct handle sheet and a separate and distinct carrier sheet are provided in overlying arrangement, and wherein container receiving apertures in the discrete carrier sheet and holes in the discrete handle sheet are formed one above the other and in substantially the same configurations. Slomski does not teach apertures in a carrier sheet and holes in a handle sheet that are configured anywhere similar one to the other. Broskow teaches two sheets each having a portion thereof forming a carrier portion and a second portion thereof forming a handle portion. While the sheets overlie, container receiving apertures and handle portion holes do not overlie each other. Further, Broskow also fails to teach container receiving apertures in one sheet similar to holes in the handle portion of the other sheet.

Neither reference alone or in combination teaches the very distinct process steps and sequences recited in the claims as amended, to provide a carrier that can be produced efficiently while using materials that can be different for both the carrier sheet and the handle sheet to optimize the performance of each.

Regarding claim 3, the Examiner states that Slomski discloses “removing a portion of the handle sheet between the first and second spaced lines of attachment, see for example (Fig. 4; via by removing portions of handle 26 between two connecting lines 38), to define first and second handle sheet portions separate from each other (via sequence of handle sheet portions 26).” Fig. 4 of Slomski shows a series of carriers being formed, each carrier having a handle portion and a container receiving portion. In contrast, the present pending claims recite a method to produce a carrier which in claim 3 includes two handle sheet portions for the single carrier. Slomski does not teach a carrier having multiple handle sheet portions, only a series of carriers, with each carrier having a handle portion. Nothing in the teaching of Slomski suggests removing a portion of a handle sheet to provide first and second handle portions for a single carrier.

Regarding Fig. 4, the Examiner states that it would have been obvious to modify the teaching of Slomski in view of Broskow by having a third row of apertures in the carrier sheet since it is a mere duplication of essential working parts. However, claim 4 recites more than the mere addition of additional essential working parts. Claim 4 recites a method of making a carrier which includes three rows of container receiving apertures (not taught by either Broskow or Slomski) with first and second handle portions (not taught by either Slomski or Broskow) for a single carrier; and positional relationships between the handle portions and the rows of container receiving apertures (not taught by either Slomski or Broskow).

With respect to claim 5 the Examiner states “Slomski discloses the step of forming holes in the handle sheet simultaneously with forming the apertures, see for example (Fig. 4).” However, as with the discussion of claims 1 and 8 above, Slomski does not teach forming any container receiving apertures of a carrier sheet or carrier portion in overlying arrangement with holes in a handle sheet or handle portion.

With respect to claim 6 the Examiner states “Slomski discloses a step of forming first and second handles in the handle sheet (via multiple forms of 26).” However, claim 6 recites first and second handles in the handle sheet of a single carrier, not for multiple carriers as taught by Slomski. Nothing in Slomski teaches multiple handles for a single carrier.

With respect to similar limitations in claim 8, the Examiner again confuses the teaching of Slomski for multiple carriers each having a handle portion with the recitations in the present claims for multiple handle portions on a single carrier. Claim 8 recites the positional relationships between multiple rows of container receiving apertures and first and second handle portions created from a single handle sheet for a single carrier. Nothing in the teaching of Slomski alone or in combination with Broskow teaches a method for producing such a structure.

Claims 2, 7 and 9-13 depend from amended independent claims 1 and 8 discussed above, and therefore include all of the limitations thereof while adding further specificity to the invention recited therein. Since independent claims 1 and 8 are believed to be allowable for the reasons stated above, it follows that dependent claims 2, 7 and 9-13 also are allowable for the same reasons.

It is respectfully submitted that the Examiner has misconstrued teachings of the prior art against the limitations of the pending claims. The Examiner has used a combination of hindsight and selective identification of features in the references with disregard for the overall teaching of the prior art. Applicant respectfully submits that nothing in the prior art alone or in combination teaches the invention recited in the pending claims and respectfully requests reconsideration and withdrawal of all rejections.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,

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Electronically Filed: April 10, 2008